

AMENDMENT(S) TO THE DRAWINGS

Please amend the sole Figure as indicated in the attached Replacement Sheet. A Replacement Sheet presenting replacement figures which incorporate the desired changes is enclosed in the Submitted Drawings section of this amendment.

REMARKS

Claims 1-24 are pending in this application. Claims 20-24 are withdrawn from consideration, and are hereby canceled. Claims 3 and 13 are also canceled hereby. Claims 1-19 are rejected. Claims 1 and 11 are amended hereby.

Responsive to the objection to the drawing, Applicants have submitted a formal drawing herewith, and respectfully submit that the drawing is in allowable form.

Responsive to the objection to the specification, Examiner Shaffer indicated in a telephonic interview on March 22, 2006 that this objection is in error, as per 37 CFR 1.84 (u)(1). Applicants respectfully submit that the specification is in allowable form.

Responsive to the rejection of claims 1, 5, 7-11, 15 and 17-19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,751,922 (DiPietropolo), Applicants have amended claims 1 and 11, and submits that claims 1, 5, 7-11, 15 and 17-19 are in condition for allowance.

DiPietropolo '922 discloses a flexible medullary reamer (Figs. 1 and 2) including shaft 1 having a flexible elongated cylindrical body which may be centrally bored in the longitudinal axis to receive an elongated guide pin, not shown (column 4, lines 23-27). The improvement provides for the utilization of the shaft comprised of a monolithic element wherein the selected materials must possess the required degree of flexibility, torsional strength, resistance to abrasion and the ability to be repeatedly steam sterilized (column 3, lines 27-32). Claim 2 of DiPietropolo '922 further discloses a flexible medullary rotational reamer having a flexible shaft being comprised of a material from the group consisting of thermoplastics and composites thereof.

In contrast, claim 1 as amended recites in part:

said flexible shaft being comprised of a rigid material, said flexible shaft having a low ratio of an area moment of inertia about an axis perpendicular to said longitudinal axis versus said longitudinal length, said low ratio providing a flexibility in said flexible shaft, wherein said low ratio of an area moment of inertia about an axis perpendicular to said longitudinal axis versus said longitudinal length is approximately between 0.0003 inches³ to 0.000002 inches³.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by DiPietropolo '922, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

DiPietropolo '922 discloses a flexible medullary reamer which includes a monolithic shaft element wherein the selected materials for the shaft must possess the required degree of flexibility, whereas each of independent claims 1 and 11 recite a rigid material used in a flexible shaft. Further, DiPietropolo '922 fails to disclose or suggest a flexible shaft having a low ratio of an area moment of inertia about an axis perpendicular to the longitudinal axis of approximately between 0.0003 inches³ to 0.000002 inches³.

Advantages of the present invention are that it provides a flexible driver for orthopaedic reamers which is easy to clean and sterilize, which can be reversed without damaging the driver, which is easy to manufacture and assemble, and which provides reliable service.

For all of the foregoing reasons, Applicants submit that claim 1, and claims 5 and 7-10 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Similarly, claim 11 recites in part:

a flexible shaft ... said flexible shaft having a low ratio of an area moment of inertia about an axis perpendicular to said longitudinal axis versus said longitudinal length, said low ratio providing a flexibility in said flexible shaft, wherein said low ratio of an area moment of inertia about an axis perpendicular to said longitudinal axis versus said longitudinal length is approximately between 0.0003 inches³ to 0.000002 inches³.

(Emphasis added). For all of the reasons given above with regard to claim 1, Applicants submit that claim 11, and claims 15 and 17-19 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 2-4, 6, 12-14 and 16 under 35 U.S.C. § 103(a) as being obvious by U.S. Patent No. 4,751,922 (DiPietropolo) in view of the Tangram Technology

Data File, Applicants have amended claims 1 and 11 as discussed above. Claims 2-4, 6, 12-14 and 16 are dependent upon independent claims 1 and 11. Claims 1 and 11 are distinguished from the prior art including DiPietropolo '922 and the Tangram Technology Data File as described above; therefore, any dependent claims, including claims 2-4, 6, 12-14 and 16, are distinguished from the prior art including DiPietropolo '922 and the Tangram Technology Data File. Further, particularly with respect to claims 2 and 12, the Tangram Technology Data File indicates that PEEK is a rigid material, whereas DiPietropolo '922 discloses a flexible medullary reamer which requires a flexible shaft material. Yet further, although DiPietropolo '922 disclose the use of thermoplastics, these thermoplastics must be flexible; in contrast, PEEK is well known as a very rigid material. Prior art must be considered in its entirety, including disclosures that teach away from the claims (MPEP 2141.02). DiPietropolo '922 in teaching a flexible medullary reamer which requires a flexible shaft material teaches away from the present invention. Neither DiPietropolo '922 nor the Tangram Technology Data File provide a suggestion or motivation to use PEEK in a orthopaedic reamer assembly; therefore, the Examiner has failed to make a *prima facie* case of obviousness, and consequently, the present invention is not obvious by DiPietropolo '922 and the Tangram Technology Data File. For all of the foregoing reasons, Applicant submits that claims 1 and 11, and claims 2-4, 6, 12-14 and 16 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally

petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095,
TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to
telephone the undersigned at (260) 897-3400.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: April 12, 2006.

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April 12, 2006

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